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4 Facsimile: (858) 552-6749

5 Attorneys for Plaintiff and Class
6
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 WILLIAM SWIMAN, individually and on) Case No. 08cv806-WQH (NLS)
10 behalf of all other persons similarly situated and)
11 on behalf of the general public,) **DECLARATION OF WILLIAM SWIMAN**
11) **SUPPORTING PLAINTIFF'S MOTION TO**
12 Plaintiff,) **REMAND**
12)
13 vs.) [Oral Argument Not Required]
13)
14 MORGAN SERVICES, INC., an Illinois) Date: July 21, 2008
14 corporation; and DOES 1 through 100,) Time: 11:00 a.m.
15 inclusive,) Place: Courtroom 4 (4th Floor)
15) Judicial Officer: Hon. William Hayes
16 Defendants.)
16)
17

18 I, William Swiman, hereby declare as follows:

19 1. I am the named Plaintiff in the above entitled action and I seek to represent a
20 Class of composed of "all persons who were employed as a "Driver" at any Morgan work site in the
21 State of California (the "Class") during the period commencing from April 1, 2004 up until the date
22 of trial (the "Class Period")." I have personal knowledge of the following facts and if called upon
23 as a witness I could and would competently testify to the matters stated herein.

24 2. I was employed as a Driver by defendant Morgan Services, Inc. ("Morgan")
25 continuously from November 12, 2007 until March 14, 2008. My job duties consisted primarily of
26 picking up and delivering linen between Morgan and its customers located throughout San Diego
27 County.

28 3. Attached hereto as Exhibit "A" are true and correct copies of my pay stubs during my

1 time of employment with Morgan. These pay stubs show that I was typically paid 10 hours of
2 overtime compensation per week.

3 4. Because I regularly received overtime compensation, I believed that Morgan was
4 legally required to pay me for all the overtime hours I worked.

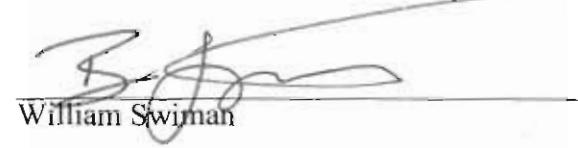
5 5. I have no legal training, and no prior experience working in the linen industry. I have
6 no knowledge of what state and federal "exemptions" are, and I always believed Morgan was legally
7 required to pay me overtime.

8 6. In working many hours of overtime, I always relied on Defendant's payment of
9 overtime compensation, and I would not have been willing to work those extra hours if I didn't
10 believe I would be paid extra overtime for working them.

11 7. I have personally read the Declaration of Glenn Teixeira in Support Of Notice Of
12 Removal Of Action To Federal Court, and am familiar with his allegations that I delivered some
13 specially ordered garments, mats and linen, that are allegedly deliveries constituting the last leg of
14 a continuous interstate transit originating at an out-of-state manufacturing facility.

15 8. I do not believe these allegations to be true and therefore contradict them. To the
16 best of my knowledge, I never had any involvement with these alleged goods. Additionally, all of
17 the embroidered goods that I delivered were embroidered at Morgan's facilities located in either Los
18 Angeles or San Diego. As stated above, I regularly picked up dirty linen from Morgan's customers
19 and delivered clean linen. Furthermore, I have never met Glenn Teixeira, and I never saw him at any
20 job site.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct and this declaration is executed this 27th day of May, 2008 in San Diego,
23 California.

24 
25 William Swiman
26
27
28

MORGAN SERVICES INC
325 N MICHIGAN AVE
CHICAGO, IL 60601

0405-8157-DIRDET
91-1-201
800055

12/20/2007

Direct
Deposit

CHECK NO.

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

This is not a check.
VOID

VOID THIS IS NOT A CHECK

BANK OF AMERICA
ASHEVILLE, NC

NON-NEGOTIABLE

AUTHORIZED SIGNATURE(S)

TO VERIFY AUTHENTICITY OF THIS DOCUMENT, THE BACK CONTAINS HEAT SENSITIVE INK THAT CHANGES FROM BLACK TO CLEAR AND ALSO CONTAINS AN ARTIFICIAL WATERMARK WHICH CAN BE VIEWED WHEN HELD AT AN ANGLE.

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PERSONAL AND CHECK INFORMATION

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 1

State: CA, Single, 1

Div/Br/Dept: 914/201

Pay Period: 12/09/07 to 12/15/07

Check Date: 12/20/07 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	450.47	2326.66
Net Pay	450.47	2326.66

EARNINGS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	50.00	10.9100	545.50	242.00	2640.22
	OVERTIME	10.00	5.4550	54.55	50.00	272.75
	HOLIDAY				8.00	87.28
	MED125 (CA,IL,IL)			-30.00		-45.00
	GROSS	60.00		570.05	300.00	2955.25
	TRUE GROSS			600.05		3000.25

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL W/H	60.87	320.10
	OASDI	35.34	183.21
	MEDICARE	8.27	42.85
	STATE W/H CA	11.68	64.70
	STATE SDI CA	3.42	17.73

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL		119.58
		628.59

NET PAY	CURRENT (\$)	YTD (\$)
	450.47	2326.66

MORGAN SERVICES INC
123 N MICHIGAN AVE
CHICAGO, IL 60601

0405-3157-DIROEP
914-201
800055

SF-700

12/27/2007

Direct
Deposit

DATE

CHECKNO

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

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WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 1

State: CA, Single, 1

Div/Br/Dept: 914/201

Pay Period: 12/16/07 to 12/22/07

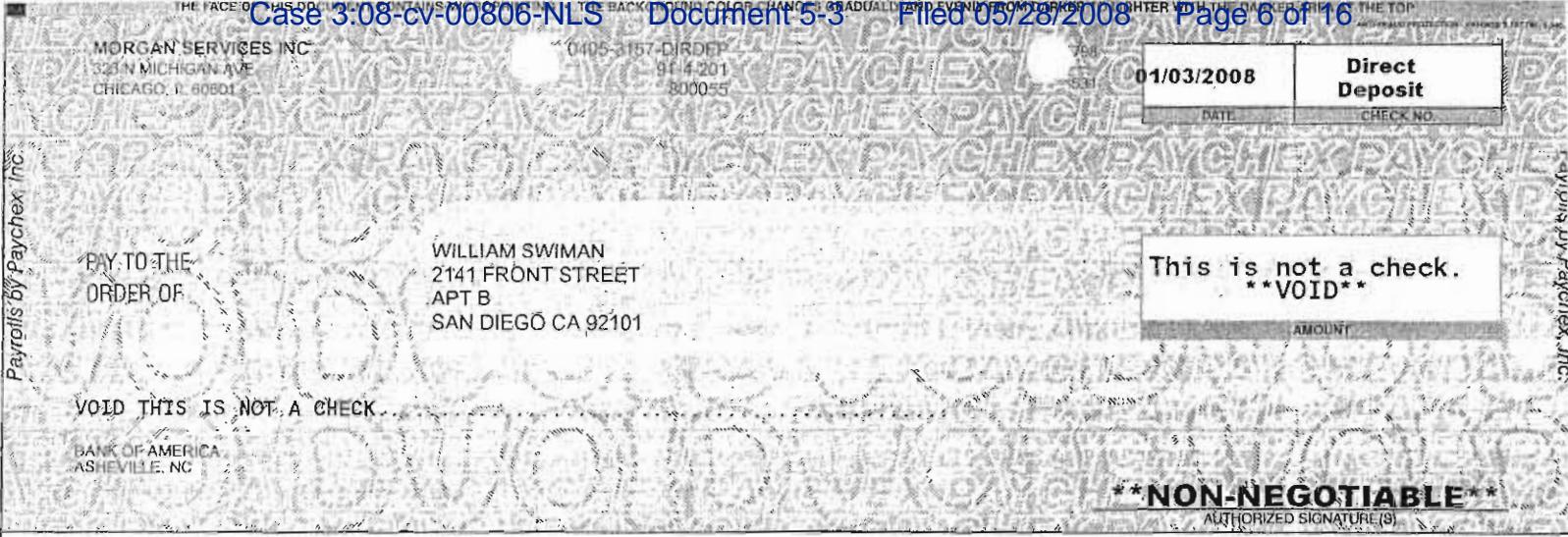
Check Date: 12/27/07 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	461.09	2787.75
Net Pay	461.09	2787.75

EARNINGS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	50.00	10.9100	545.50	292.00	3185.72
	OVERTIME	10.00	5.4550	54.55	60.00	327.30
	HOLIDAY				8.00	87.28
	MED125 (CA,IL,I)			-15.00		-60.00
	GROSS	60.00		585.05	360.00	3540.30
	TRUE GROSS			600.05		3600.30
WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
	FEDERAL WH			63.12		383.22
	OASDI			36.27		219.48
	MEDICARE			8.48		51.33
	STATE W/H CA			12.58		77.28
	STATE SDI CA			3.51		21.24
	TOTAL			123.96		752.55

NET PAY	CURRENT (\$)	YTD (\$)
	461.09	2787.75



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WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 1

State: CA, Single, 1

Div/Br/Dept: 91/4/201

Pay Period: 12/23/07 to 12/29/07

Check Date: 01/03/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	<u>461.08</u>	<u>461.08</u>
Net Pay	461.08	461.08

EARNS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	42.00	10.9100	458.22	42.00	458.22
	OVERTIME	10.00	5.4550	54.55	10.00	54.55
	HOLIDAY	8.00	10.9100	87.28	8.00	87.28
	MED125 (CA,IL)			-15.00		-15.00
	GROSS	60.00		585.05	60.00	585.05
	TRUE GROSS			600.05		600.05

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL WH	62.66	62.66
	OASDI	36.27	36.27
	MEDICARE	8.48	8.48
	STATE WH CA	11.88	11.88
	STATE SDI CA	4.68	4.68

DESCRIPTION	CURRENT (\$)	YTD (\$)
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TOTAL	123.97	123.97
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NET PAY	CURRENT (\$)	YTD (\$)
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461.08	461.08
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MORGAN SERVICES INC
322 N MICHIGAN AVE
CHICAGO, IL 606010405-3157-DIRDLP
9114-201
800055

01/10/2008

Direct
DepositThis is not a check.
VOIDPAY TO THE
ORDER OFWILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

VOID THIS IS NOT A CHECK.

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ASHEVILLE, NC

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2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 1

State: CA, Single, 1

Div/Br/Dept: 914/201

Pay Period: 12/30/07 to 01/05/08

Check Date: 01/10/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	461.08	922.16
Net Pay	461.08	922.16

EARNINGS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	42.00	10.9100	458.22	84.00	916.44
	OVERTIME	10.00	5.4550	54.55	20.00	109.10
	HOLIDAY	8.00	10.9100	87.28	16.00	174.56
	MED125 (CA,IL,I)			-15.00		-30.00
	GROSS	60.00		585.05	120.00	1170.10
	TRUE GROSS			600.05		1200.10

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL W/H	62.66	125.32
	OASDI	36.27	72.54
	MEDICARE	8.48	16.96
	STATE W/H CA	11.88	23.76
	STATE SDI CA	4.68	9.36

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL		123.97

DESCRIPTION	CURRENT (\$)	YTD (\$)
NET PAY	461.08	922.16

NET PAY	CURRENT (\$)	YTD (\$)
	461.08	922.16

MORGAN SERVICES INC
323 N MICHIGAN AVE
CHICAGO, IL 60601

0405-3157-DIRDEP
914-201
800055

01/24/2008

Direct
Deposit

CHECK NO.

PAY TO THE
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2141 FRONT STREET
APT B
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2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 914/201

Pay Period: 01/13/08 to 01/19/08

Check Date: 01/24/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	471.17	1854.41
Net Pay	471.17	1854.41

DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
REGULAR	50.00	10.9100	545.50	184.00	2007.44
OVERTIME	10.00	5.4550	54.55	40.00	218.20
HOLIDAY				16.00	174.56
MED125 (CA,IL,I)			-15.00		-60.00
GROSS	60.00		585.05	240.00	2340.20
TRUE GROSS			600.05		2400.20

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
FEDERAL W/H		52.57	240.55
OASDI		36.27	145.08
MEDICARE		8.48	33.92
STATE W/H CA		11.88	47.52
STATE SDI CA		4.68	18.72

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MORGAN SERVICES INC.
377 N MICHIGAN AVE
CHICAGO, IL 60611

0405-3157-DIRDEP

91-4201
800055

02/07/2008

Direct
Deposit

DATE

CHECK NO.

PAY TO THE
ORDER OFWILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101This is not a check.
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2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 91/4/201

Pay Period: 01/27/08 to 02/02/08

Check Date: 02/07/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	471.17	2796.75
Net Pay	471.17	2796.75

EARINGS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	50.00	10.9100	545.50	284.00	3098.44
	OVERTIME	10.00	5.4550	54.55	60.00	327.30
	HOLIDAY				16.00	174.56
	MED125 (CA,IL,I)			-15.00		-90.00
	GROSS	60.00		585.05	360.00	3510.30
	TRUE GROSS			600.05		3600.30

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL W/H	52.57	345.69
	OASDI	36.27	217.62
	MEDICARE	8.48	50.88
	STATE W/H CA	11.88	71.28
	STATE SDI CA	4.68	28.08

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL		113.88
		713.55

NET PAY	CURRENT (\$)	YTD (\$)
	471.17	2796.75

MORGAN SERVICES INC
320 N MICHIGAN AVE
CHICAGO, IL 60601

0405-3157 DIRDEP
01-41201
800055

7-00
531 02/14/2008

Direct
Deposit

DATE CHECK NO.

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

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VOID

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BANK OF AMERICA
ASHEVILLE, NC

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PERSONAL AND CHECK INFORMATION

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 91/4/201

Pay Period: 02/03/08 to 02/09/08

Check Date: 02/14/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	471.17	3267.92
Net Pay	471.17	3267.92

EARNS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	50.00	10.9100	545.50	334.00	3643.94
	OVERTIME	10.00	5.4550	54.55	70.00	381.85
	HOLIDAY				16.00	174.56
	MED125 (CA,IL,I)			-15.00		-105.00
	GROSS	60.00		585.05	420.00	4095.35
	TRUE GROSS			600.05		4200.35
WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
	FEDERAL WH			52.57		398.26
	OASDI			36.27		253.89
	MEDICARE			8.48		59.36
	STATE WH CA			11.88		83.16
	STATE SOI CA			4.68		32.76

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL	113.88	827.43

NET PAY	CURRENT (\$)	YTD (\$)
NET PAY	471.17	3267.92

MORGAN SERVICES INC
323 N MICHIGAN AVE
CHICAGO, IL 60601

0405-3157-CIRDEP
9144-201
800055

02/21/2008

Direct Deposit

DATE

CHECK NO.

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

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PERSONAL AND CHECK INFORMATION

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 9144/201

Pay Period: 02/10/08 to 02/16/08

Check Date: 02/21/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	471.17	3739.09
Net Pay	471.17	3739.09

EARNINGS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	50.00	10.9100	545.50	384.00	4189.44
	OVERTIME	10.00	5.4550	54.55	80.00	436.40
	HOLIDAY				16.00	174.56
	MED125 (CA,IL,I)			-15.00		-120.00
	GROSS	60.00		585.05	480.00	4680.40
	TRUE GROSS			600.05		4800.40

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL W/H	52.57	450.83
	OASDI	36.27	290.16
	MEDICARE	8.48	67.84
	STATE W/H CA	11.88	95.04
	STATE SDI CA	4.68	37.44

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL		113.88
		941.31

NET PAY	CURRENT (\$)	YTD (\$)
	471.17	3739.09

NET PAY	CURRENT (\$)	YTD (\$)
	471.17	3739.09

MORGAN SERVICES INC
323 N MICHIGAN AVE
CHICAGO, IL 60601

0405-3157-DIRDEP
91-4201
800055

02/28/2008

Direct Deposit

DATE

CHECK NO.

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

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PERSONAL AND CHECK INFORMATION

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 914/201

Pay Period: 02/17/08 to 02/23/08

Check Date: 02/28/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	471.17	4210.26
Net Pay	471.17	4210.26

EARNINGS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	50.00	10.9100	545.50	434.00	4734.94
	OVERTIME	10.00	5.4550	54.55	90.00	490.95
	HOLIDAY				16.00	174.56
	MED125 (CA,IL,I)			-15.00		-135.00
	GROSS	60.00		585.05	540.00	5265.45
	TRUE GROSS			600.05		5400.45
WITHHOLDINGS	DESCRIPTION			CURRENT (\$)		YTD (\$)
	FEDERAL W/H			52.57		503.40
	OASDI			36.27		326.43
	MEDICARE			8.48		76.32
	STATE W/H CA			11.88		106.92
	STATE SDI CA			4.68		42.12
	TOTAL			113.88		1055.19

NET PAY	CURRENT (\$)	YTD (\$)
	471.17	4210.26

MORGAN SERVICES INC
32 N MICHIGAN AVE
CHICAGO IL 60601

0405-3157 DIR/DEP
91-4-201
800055

03/06/2008

Direct
Deposit

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
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SAN DIEGO CA 92101

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PERSONAL AND CHECK INFORMATION

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 91/4/201

Pay Period: 02/24/08 to 03/01/08

Check Date: 03/06/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	494.27	4704.53
Net Pay	494.27	4704.53

EARNS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	52.00	10.9100	567.32	486.00	5302.26
	OVERTIME	12.00	5.4550	65.46	102.00	556.41
	HOLIDAY				16.00	174.56
	MED125 (CA,IL,I)			-15.00		-150.00
	GROSS	64.00		617.78	604.00	5883.23
	TRUE GROSS			632.78		6033.23

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL W/H	57.47	560.87
	OASDI	38.30	364.73
	MEDICARE	8.96	85.28
	STATE W/H CA	13.84	120.76
	STATE SDI CA	4.94	47.06

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL	123.51	1178.70
NET PAY	494.27	4704.53
CURRENT (\$)		
YTD (\$)		

MORGAN SERVICES INC
323 N MICHIGAN AVE
CHICAGO, IL 60601

0405-3157-DIR/DEP
01-4-201
800055

03/13/2008

Direct Deposit

DATE

CHECK NO.

PAY TO THE
ORDER OF

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO CA 92101

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ASHEVILLE, NC

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PERSONAL AND CHECK INFORMATION

WILLIAM SWIMAN
2141 FRONT STREET
APT B
SAN DIEGO, CA 92101

Soc Sec #: XXX-XX-XXXX Employee ID: 800055

Hire Date: 11/12/07

Status:

Filing Status:

Federal: Single, 2

State: CA, Single, 1

Div/Br/Dept: 914/201

Pay Period: 03/02/08 to 03/08/08

Check Date: 03/13/08 Check #: Direct Deposit

NET PAY ALLOCATIONS

DESCRIPTION	CURRENT (\$)	YTD (\$)
CHECKING1 - 2011	494.27	5669.97
Net Pay	494.27	5669.97

EARNS	DESCRIPTION	HOURS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)
	REGULAR	52.00	10.9100	567.32	588.00	6415.08
	OVERTIME	12.00	5.4550	65.46	124.00	676.42
	HOLIDAY				16.00	174.56
	MED125 (CA,IL,I)			-15.00		-180.00
	GROSS	64.00		617.78	728.00	7086.06
	TRUE GROSS			632.78		7266.06

WITHHOLDINGS	DESCRIPTION	CURRENT (\$)	YTD (\$)
	FEDERAL W/H	57.47	670.91
	OASDI	38.30	439.30
	MEDICARE	8.96	102.72
	STATE W/H CA	13.84	146.48
	STATE SDI CA	4.94	56.68

DESCRIPTION	CURRENT (\$)	YTD (\$)
TOTAL	123.51	1416.09

NET PAY	CURRENT (\$)	YTD (\$)
494.27	5669.97	